

MONTANA LEGISLATIVE HISTORY

Chapter 267 19 55

Bill H _____ S 202 Original bill & history C

H. Committee on Fish & Game

Hearing Date(s) Feb 27 ☒ C

Feb 25 ☒ C

_____ ☐ C

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Date Out Feb 28 ☒ C

S. Committee on Fish & Game

Hearing Date(s) Feb 08 ☒ C

Feb 10 ☒ C

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Feb 10 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

SENATE COMMITTEE ON FISH AND GAME

The Senate Committee on Fish and Game held a meeting in Room 402 of the capitol building at 12:30 P. M., Tuesday, February 8, 1955. Chairman Valiton called the meeting to order. Members present were Senators, Brenner, Lindquist, Mackay, Rice, Sagunsky, Rice and Anderson.

Mr. Henry Loble, attorney for Montana Aeronautics Commission appeared on its behalf to express its views on Senate Bill 95. He expressed some doubt as to the possibility of convicting a man for locating and spotting game from aircraft, and suggested the following amendments:

On page 2 of the original bill, line 2 in Section 2 thereof, by inserting after the figure "2." and before the word "No" the following: "(a)" and by striking out in said Section 2, at line 4 thereof, the following: "locating, spotting," and by adding to said Section 2 a new subdivision reading as follows: "(b) No person in an aircraft in the air shall spot or locate any game, or migratory bird, game or fur-bearing animals and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person or persons then on the ground."

Senator Lindquist moved the adoption of the amendment. Senator Sagunsky seconded the motion and it was unanimously carried. Sen. Lindquist then moved that Senate Bill 95 be recommended do pass as amended. The motion was seconded by Sen. Mackay and unanimously carried.

House Bills 93, 94, 95 and 183 and Senate Bills 41, 202, 143 and 144, which are all interrelated and pertain to license fees were discussed briefly. Senator Scofield moved that the chairman appoint a subcommittee to work in conjunction with a subcommittee from the House to consider these bills. Sen. Sagunsky seconded the motion and it was unanimously carried. Senators Valiton, Brenner and Wilson were appointed as such subcommittee.

Senate Bill 182 was brought up next. Senator Lindquist moved that it be amended as follows:

In Section 1 at line 10, page 1 of the original bill by inserting after the word "property," the words "or who fails to give all reasonable assistance to any person who he has injured or wounded," and by striking Section 2 thereof.

The motion was unanimously carried.

February 10, 1955

A meeting of the Fish and Game Committee was called to order in Room 401 of the Capitol Bldg. at 12:45 P.M. by the Chairman, Senator Valiton, with the following members present:

Senators Valiton, Schofield, McKay, Sagunsky, Bovey, Brenner, Rice, Anderson (Pondera)

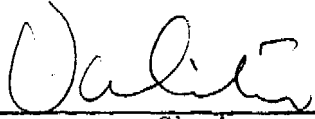
Senate Bill No. 146 was discussed and Senator Valiton appointed Senators Bovey and Brenner as a sub-committee to give it further study.

Senate Bill No. 202 was considered (The Recodification Committee Bill). Senator Valiton gave some explanation of this bill. Some amendments were discussed which are included in the Committee Report which accompanies these minutes.

Senator Anderson made a motion that Senate Bill No. 202 Do Pass As Amended. Senator Sagunsky seconded the motion, which was then voted on and passed by unanimous vote.

Senate Bill No. 41 was discussed briefly, but nothing definite was done on this bill.

Following a motion duly made and seconded, the meeting was adjourned.


Chairman

February 23, 1955

A meeting of the Committee on Fish and Game was held in room 7 at 4:30 PM with Chairman Durkee presiding. The roll was called and a quorum was present.

Mr. Durkee said he had met with the Senate Committee and tried to reconcile House Bills 93, 94 and 95 with the Senate bills. He felt they were successful in accomplishing their objectives.

Senate Bill 202 was discussed and Mr. Grant moved to amend in the title, lines 22 and 23 of the original bill, lines 20 and 21 of the printed bill, after the semi-colon (;), by deleting the words and figures "REPEAL SECTION 26-210 OF THE REVISED CODES OF MONTANA, 1947, RELATING TO COUNTY PAYMENTS;"

and further amend in the title, in the last line, page 2 of the original bill and the printed bill, after the word "REPEALED", by deleting the semi-colon (;) and inserting in lieu thereof a period (.), and by deleting the words "AND PROVIDING AN EFFECTIVE DATE OF THIS ACT."

and further amend in section 5, page 8, lines 5 and 6 of the original bill, page 5, lines 6 and 7 of the printed bill, after the semi-colon (;), by deleting the words and figures "Section 26-210 of the Revised Codes of Montana, 1947;"

and further amend by deleting all of section 6.

Mr. Mysse seconded the motion to amend and motion carried.

Mr. Walton moved that the Committee recommend that Senate Bill 202 be concurred in, as amended. Mr. Wetzsteon seconded the motion and motion carried.

Senate bill 41 was discussed and Mr. Walton moved that it be placed in sub-committee. Mr. Wetzsteon seconded. Mr. Mysse moved as a substitute motion that the committee reconsider action on Senate bill 202. Mr. Walton seconded the motion and it carried.

Mr. McInnis moved that the committee place both Senate Bills 202 and 41 with the sub-committee. Mr. Rieder seconded the motion and motion carried.

Senate bill 43 was considered and Mr. McInnis moved that this committee recommend that it be concurred in. Mr. Rieder seconded the motion and motion carried.

Senate bill 182 was considered--relating to punishment of reckless hunters.

Mr. McInnis moved that this committee recommend that it be not concurred in. There was no second. Mr. Mysse moved that 182 be referred to Committee on Judiciary. Mr. Walton made substitute motion to recommend Senate Bill 182 be concurred in. There was a tie vote.

At this time Mr. Rieder seconded Mr. Mysse's motion that Senate Bill 182 be referred to Judiciary. Motion carried.

Senate Bill 102 was considered and Mr. Grant moved that this committee recommend that Senate Bill 102 be concurred in. Mr. Mangan seconded the motion and motion carried.

Senate Bill 186 was then discussed and Mr. Rieder moved we pass it for the day. Mr. McInnis seconded the motion and motion carried.

February 25, 1955

A meeting of the Committee on Fish and Game was held in Room 7 at 4:40 P.M., with Chairman Durkee presiding. The roll was called and a quorum was present.

Senate Bill 41 was discussed and Mr. Wetzsteon moved that this Committee recommend it be concurred in. Mr. Mysse seconded the motion and it carried.

Senate Bill 202 was again presented for consideration and Mr. Wetzsteon moved that this Committee recommend it be concurred in as amended. Mr. Grant seconded the motion and motion carried.

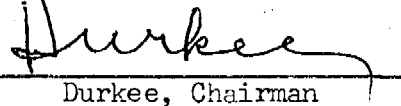
Senate Bill 186 was discussed briefly and Mr. McInnis moved that this committee recommend that it be concurred in. Mr. Grant seconded the motion and motion carried.

Senate Bill 146 was discussed and Mr. Walton moved that it be amended in Section 1, line 10 of the printed bill, after the word "Commission.", by deleting the words "Application for an outfitter's license must be made thirty (30) days before date of issuance.", and inserting in lieu thereof the words "Any application for an outfitter's license made to the Commission may be held for thirty (30) days for investigation." Mr. Phillips seconded the motion and motion carried.

Mr. Wetzsteon moved to amend Senate Bill 146 further in line 13, page 1 of the printed bill, after the word "commission.", by deleting the period and inserting the following words: ",however, applicant may appeal to the Commission within twenty days of the date of the refusal and the Commission shall hold a hearing on such appeal and the decision of the Commission shall be final on said application." Mr. Phillips seconded the motion to amend and motion carried.

Mr. Mysse moved the committee recommend that Senate Bill 146 be concurred in as amended. Mr. McInnis questioned the provision made in the bill that outfitters must have equipment. Mr. Phillips seconded the motion and motion carried.

It was moved and seconded the meeting adjourn. 5:05 P.M.


Durkee, Chairman

Notice.

the state convention and shall publish the call at least once in a newspaper published at the seat of the government. Said call shall be published not less than ten (10) days, and a copy of the call shall be mailed to the county chairman in each county. The chairman of the state central committee shall preside over the convention and, together with a secretary chosen by the convention, shall sign certificates of election, which shall be delivered as credentials to the several persons elected by the convention as delegates to the national convention of said party, and certificates of nomination for presidential electors for said party which shall be filed with the secretary of state. Only regularly elected delegates or alternates shall be entitled to sit in said convention or participate in its proceedings and no proxies shall be recognized by the convention. In case of the absence of a member or members of the delegation elected from any county the delegates present for said county shall be entitled to cast a number of votes equal to the number of delegates elected to the convention from said county.

Restrictions.

Amending clause.

Section 7. That section 23-1008 of the Revised Codes of Montana, 1947, as amended by section 15 of chapter 214 of the session laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

Payment of convention expenses.

“23-1008 (673.8) **Payment of Convention Expenses.** The entire expense of conducting the county and state conventions herein provided for shall be defrayed by the several political parties, except that each elected delegate or alternate who shall attend the state convention and participate therein shall receive the sum of *seven (7) cents* per mile for each mile actually travelled by him in going to and returning from said convention, said mileage to be computed by the shortest practicable route, and to be paid out of the general funds of the county in the same manner as other election expenses.”

Mileage only from general fund of county.

Repealing Chapter 64, Laws of 1951; Chapter 214, Laws of 1953; Sections 23-1003 and 23-1005, R.C.M., 1947.

Section 8. *That chapter 64 of the session laws of the thirty-second legislative assembly, 1951, chapter 214 of the session laws of the thirty-third legislative assembly, 1953, sections 23-1003 and 23-1005 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith, and not amended by this act, are hereby repealed, provided, however, that nothing herein contained shall be*

construed to repeal or in any manner amend or modify chapter 8 of the session laws of the thirty-third legislative assembly of the State of Montana of 1953.

Preserving Chapter 8 Laws of 1953.

Approved March 10, 1955.

CHAPTER 267

An Act Providing for Licenses and Classification of Licenses Required by the Fish and Game Commission Under the Provisions of Section 26-202 of the Revised Codes of Montana, 1947, Fixing Regulations for Issuing Said Licenses and for Determining Residence; Providing for Fees, Powers and Duties Under Said Licenses; and Repealing Section 26-203 of the Revised Codes of Montana, 1947, Relating to Classes of Licenses; Repeal Section 26-205 of the Revised Codes of Montana, 1947, as Amended by Chapter 32, Session Laws of 1949, Chapter 142, Session Laws of 1951, and Chapter 129, Session Laws of 1953, Relating to Fees and Powers Under Licenses, Tagging of Carcasses and Report of Killing of Elk and Deer; Repeal Section 26-206 of the Revised Codes of Montana, 1947, Relating to Temporary Nonresident Fishing Licenses; Repeal Section 26-207 of the Revised Codes of Montana, 1947, Relating to Procuring of Licenses; Repeal Section 26-208 of the Revised Codes of Montana, 1947, as Amended by Chapter 49 of the Session Laws of 1949 and Chapter 218 of the Session Laws of 1953, Relating to Temporary Nonresident Licenses; Repeal Section 26-218 of the Revised Codes of Montana, 1947, Relating to Reports to Person Selling Licenses; Repeal Section 26-219 of the Revised Codes of Montana, 1947, Relating to Residents on Furlough From the Armed Service of the United States While at War; Repeal Section 26-322 of the Revised Codes of Montana, 1947, as Amended by Chapter 156, Session Laws of 1949, Relating to Trapper's License; Repeal Chapter 126, Session Laws of 1953, Relating to Bow and Arrow Deer Season; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Class A license. Section 1. Licenses — Fees — Classification of Licenses — Fees and Powers Under Licenses. (1) Class A. License.

Resident game bird and fishing license. Upon payment of a fee of three dollars (\$3.00) the applicant who qualifies therefor shall receive a class A license which shall entitle the holder thereof to pursue, hunt, shoot and kill game birds and possess dead bodies of game birds, and to fish with hook and line or rod as authorized by regulations of the commission.

A-1 license.

(2) Class A-1 license. Resident big game license. Any holder of a class A license, who is twelve (12) years of age or older, may, upon payment of an additional sum of *three dollars* (\$3.00), be entitled to a class A-1 license, which will entitle the holder to pursue, hunt, shoot and kill game animals and possess the carcass of game animals of the state which are authorized by the commission to be pursued, hunted, shot, killed, taken or possessed.

A-2 license, bow and arrow.

(3) Class A-2 license — special bow and arrow license. To pursue, hunt, shoot, kill, take and possess deer. Any holder of a class A-1 license may, upon payment of an additional sum of two dollars (\$2.00) to any agent of the fish and game commission, authorized to issue fishing and hunting licenses, be entitled to a class A-2 license, which shall authorize the holder thereof to pursue, hunt, shoot and kill deer with bow and arrow and to possess the carcass of deer during a special season, as same may be designated by the fish and game commission.

Class B— non-resident, limited residence.

(4) Class B license — nonresident, or a person having less than six (6) months residence in the state. Any non-resident of the State of Montana or any person who has been a resident citizen for less than six (6) months, upon payment of the sum of ten dollars (\$10.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a class B license, which shall entitle the holder thereof to fish with hook and line as authorized by the rules and regulations of the commission.

Class B-1, non-resident.

(5) Class B-1 license — nonresident and persons having less than six (6) months residence in the state. Game bird license. Any nonresident of the State of Montana or any person who has been a resident citizen for less than six (6) months, upon payment of the sum of twenty-five dollars

(\$25.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a class B-1 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess game birds as authorized by the rules and regulations of the commission.

(6) Class B-2 license — nonresident or persons having less than six (6) months residence in the state. Big game license. Any nonresident of the State of Montana, or any person who has been a resident citizen for less than six (6) months, upon the payment of the sum of one hundred dollars (\$100.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a class B-2 license which shall authorize the holder to pursue, hunt, shoot, kill game animals, and to possess the carcasses of same, and to pursue, hunt, shoot, kill and possess game birds, and to fish with hook and line as may hereinafter be authorized by the rules and regulations of the commission.

(7) Class B-3 license — temporary nonresident or tourist license. Any nonresident of the State of Montana, upon payment of the sum of three dollars (\$3.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a temporary non-resident fishing license, which shall authorize the holder to fish with hook and line as authorized by the rules and regulations of the fish and game commission for a period of six (6) days from and after the issuance of such license.

(8) Special licenses — any applicant who is the holder of a class A-1 resident big game license or any applicant who is the holder of a class B-2 nonresident big game license may apply for a special license, which, in the judgment of the fish and game commission is to be issued and shall pay the following fees therefor:

Moose, twenty-five dollars (\$25.00).

Mountain goat, five dollars (\$5.00).

Mountain sheep, fifteen dollars (\$15.00).

Bison or buffalo, twenty-five dollars (\$25.00).

(9) Class C license — trapper's license. Any holder of a class A license, upon making application and paying the

Scope.

Class B-2, non-resident.

Fee.

Scope.

Class B-3, tourist.

Fee.

Scope.

Term.

Special licenses.

Class C, trappers.

Fee. sum of ten dollars (\$10.00) to the fish and game commission, shall be entitled to a trapper's license, which shall authorize the holder thereof to trap fur-bearing animals, except beaver, within the State of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said license.

Class C-1, land owner's trapper's permit. (10) Class C-1 license — land owner's trapper's license. Any owner or tenant, or member of the immediate family of said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum of one dollar (\$1.00) shall be entitled to a land owner's trapper's license which shall entitle the holder thereof to trap any fur-bearing animal, except beaver, on land owned or leased by him, or his immediate family, at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission and at such places as may be designated in said license.

Special licenses. Qualification for obtaining. Section 2. **Special Licenses — Tagging of Carcasses of Game Animals.** (1) Special licenses authorized to be issued under the general powers of the fish and game commission may be issued only to persons holding valid big game licenses for the current year, which have been obtained by the applicant prior to the time of filing of application for a special license.

Allowing one license in 10 years on certain game. (2) Any person who has obtained a moose, mountain sheep, bison, or buffalo license shall not be eligible to apply for another such license for the next succeeding ten (10) years. It is further provided that any person who has received a special license for elk or mountain goat shall not be eligible to receive a second special license for this species of game animal during any license year. However, in the event the number of applications received is not equal to the number of game species desired to be killed by the commission, reapplication may be made by those valid license holders of the current year who may fall within these limitations. It is further provided that any person who has killed or taken a game animal, except a deer or antelope, during the current license year, shall not be permitted to receive a special license under this act to hunt or kill a second game animal of the same species.

One license per season, elk, mountain goat.
Exceptions.

(3) Tagging of carcasses of game animals. Every license issued by the fish and game commission authorizing the holder thereof to pursue, shoot, kill, capture, take or possess game animals, whether issued to a resident or a nonresident, shall have attached thereto, certain tags, coupons, or markers, the form of which shall be prescribed by the state fish and game commission, and when any person should take or kill any deer, elk, moose or antelope under such license, such person shall immediately thereafter attach to said animal or animals the proper tag, coupon or other marker, completely filled out with the name of the license holder, address, date the animal was killed, place the animal was killed, and any other information requested on such tag, coupon or other marker, and such tag, coupon or other marker shall be kept attached to said carcass so long as any considerable portion of the carcass remains unconsumed. Such tag, coupon or other marker shall be valid only when attached to said license or when such tag, coupon or other marker has been completely filled out and attached to a legally taken game animal, and when the proper tag, coupon or other marker is attached to said game animal so killed, the same may be possessed, used, stored and transported, provided the necessary permit to transport the same accompanies the shipment. Any person who should kill any deer, elk, moose or antelope by authority of any license issued for the killing of such game animal, and shall fail or neglect to fill out and attach his tag, coupon or other marker so provided with the license issued, to the carcass of said deer, elk, moose or antelope or portion thereof, or any person who shall fail to keep said tag, coupon or other marker attached to said deer, elk, moose or antelope or portion thereof while the same is possessed by him shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided for by law in section 26-324 of the Revised Codes of Montana, 1947, as amended.

Tagging carcasses of game animals required.

Contents of tag.

Penalty for violation.

Section 3. **Defining Resident.** That in determining a resident for the purpose of issuing resident fishing and hunting licenses, the following provisions shall apply:

"Resident" defined.

(1) *That members of the armed forces of the United States, or regularly appointed officers and employees of the United States forest service, the United States fish and wild life service, United States park service and the bureau of land management, who are assigned to duty in*

Montana, and after a period of thirty (30) days within Montana, upon presenting assignment orders emanating from the proper unit commander, shall be considered residents for the purpose of this act. The thirty (30) day residence requirement is waived in time of war.

(2) Any citizen of the United States of America who has continuously resided within the State of Montana for a period of six (6) months immediately prior to making application for said license, and who is a legal resident of the state, shall be eligible to receive a resident hunting or fishing license.

(3) Any person in possession of first citizenship papers only shall not be considered a resident citizen of Montana, but such a person may purchase nonresident licenses.

Section 4. The fish and game commission is hereby authorized to make, promulgate and enforce such reasonable rules and regulations not inconsistent with the provisions of this act as in its judgment will accomplish the purpose of this act.

Section 5. **Repeal.** Section 26-203 of the Revised Codes of Montana, 1947; section 26-205 of the Revised Codes of Montana, 1947, as amended by chapter 32, session laws of 1949, chapter 142, session laws of 1951, and chapter 129, session laws of 1953; section 26-206 of the Revised Codes of Montana, 1947; section 26-207 of the Revised Codes of Montana, 1947; section 26-208 of the Revised Codes of Montana, 1947, as amended by chapter 49 of the session laws of 1949 and chapter 218 of the session laws of 1953; section 26-218 of the Revised Codes of Montana, 1947; section 26-219 of the Revised Codes of Montana, 1947; section 26-322 of the Revised Codes of Montana, 1947, as amended by chapter 156 of the session laws of 1949; chapter 126 of the session laws of 1953, and all acts or parts of acts in conflict herewith are hereby repealed.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1955.

CHAPTER 268

An Act to Amend Section 31-105, Revised Codes of Mon-

tana, 1947, as Amended by Section 1, Chapter 187, Laws of Montana, 1951, as Amended by Chapter 219, Laws of Montana, 1953, of the Montana Highway Patrol, Relating to Qualifications of Patrolmen, Salary, Probationary Training, Discharge, Demotion, Suspension, Hearing; by Deleting the Term Director of Public Safety and Education; and Providing for a Salary Schedule; by Providing for a Base Salary for the Supervisor, Captains, and Sergeants; by Changing Assistant Supervisors to Patrol Captains; by Increasing the Number of Sergeants From Four to Nine; by Providing for a Probationary Period for Captains and Sergeants; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 31-105 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 187, laws of Montana, 1951, as amended by chapter 219, laws of Montana, 1953, be, and the same is hereby amended to read as follows:

"31-105. **Qualifications of Patrolmen — Salary — Probationary Training — Discharge — Demotion — Suspension — Hearing.** The board shall designate *captains*, not to exceed *five (5)* in number, sergeants, not to exceed *nine (9)* in number, and patrolmen in such numbers as the board may deem necessary. Said patrolmen shall be chosen in equal numbers in the twelve (12) highway districts, *provided however, that if sufficient qualified applications are not received from any one district that the board may in its discretion substitute other qualified applicants from any other districts.* Replacements and additions to the force shall be selected in the same manner. *The salary of the supervisor, captains, sergeants and patrolmen shall be fixed by the board, with the approval of the state board of examiners, provided that the base salary for the supervisor shall be five hundred dollars (\$500.00) per month, the base salary for the captains shall be four hundred dollars (\$400.00) per month, the base salary for sergeants shall be three hundred and seventy-five dollars (\$375.00) per month, the base salary for patrolmen, with three (3) years' service, shall be three hundred and fifty dollars (\$350.00) per month, provided however, that the maximum increase allowable by said board shall not exceed five per*

Commission may make rules and regulations.

Repealing certain statutes.

Effective immediately.

Amending clause.

Board to designate captains, sergeants, patrolmen.

Schedule of maximum salaries.